IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Contempt Petition No.257 of 2003

Surendra Singh and others ……. Petitioners

Versus

Sri Subhash Kumar,
Commissioner, Garhwal Mandal,
Pauli and others …… Respondents.

Mr. G.S. Negi, learned counsel for the petitioners.
Mr. J.P. Joshi, learned Addl. C.S.C. for the respondents.

Hon'ble P.C. Pant, J.

This is a contempt petition has been moved on behalf of applicants / petitioners for punishing the opposite party Nos. 1, 2 and 3 for alleged willful disobedience of the order dated 05.09.2002 passed in writ petition No. 1164 (S/B) of 2002.

2) Heard learned counsel for the parties and perused the affidavits, counter affidavit and rejoinder affidavit along with the annexures annexed thereto. The impugned order of which violation has been complained reads as under:

> *"By means of the present writ petition under Article 226 of the Constitution of India, the petitioners have prayed for issue of a writ of mandamus to command the opposite parties to regularise the services of the petitioners as Collection Amins and Collection Peons and they be allowed to continue as Seasonal Collection Amins.*
>
> *Learned counsel for the petitioner submits that the petitioners are seasonal collection Amin/peons they were entitled to be considered in view of the Government orders as they have worked for more than four faslis.*
>
> *If this fact is correct and the petitioner is otherwise eligible according to rule, the opposite*

parties are directed to consider the case of the petitioners for regularisation within a period of one month from the date of production of the certified copy of this order.

With the aforesaid direction, the petition is disposed of finally.

From the perusal of the aforesaid order it is clear that the direction was to consider the regualrisation of the petitioners who are Seasonal Collection Peons.

3) In response to the notices issued by the Court, the counter affidavits have been filed on behalf of opposite parties. In the counter affidavits it has been stated that no regular posts were sanctioned / available for the applicants / petitioners who were Seasonal Collection Peons for their regularisation. Due to this reason, the opposite parties were unable to regularise the services of the applicants / petitioners in compliance of the aforesaid order. It is further stated in the counter affidavit that still the opposite parties took steps and submitted a report to the State Government for sanctioning the necessary posts so that the applicants / petitioners can be regularised.

4) In view of the statements given in the counter affidavits as mentioned above, this Court is of the view that it cannot be said if the opposite parties have committed any willful disobedience of the Court's order.

5) In the circumstances, the contempt petition is liable to be dismissed and is accordingly dismissed. The notices are discharged.

(P.C. Pant, J.)

Dt. 16.09.2004
H.Negi